IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2405 OF 2004

IN

SUIT NO. 1038 OF 2002

Valji Govindji Ashra ... Plaintiff.

vs.

Ramniklal P.Vadgama & others. .... Defendants.

Mr.A.C.Singh i/b. D.R.Shah, for Plaintiff.

Mr.A.Rai i/b. V.B.Dhawan, for Defendant no.1.

Mr.N.Dinkar Rao, for Defendant no.2.

Mrs.Rita Bhatia, for Defendant nos.3 to 6.

CORAM: D.K.DESHMUKH,J.

DATED: 1st July,2005

P.C.:-

1. In view of the fact that the construction is going on right from the year 2000, in my opinion, it will not be appropriate either to stop the construction or to prevent the defendants from transferring rights in the

construction. The only interim order that can be made in this situation is to direct that the construction if any carried out by the defendants on the suit land shall be subject to final order that may be passed in the suit, as also any third party interest created in the construction or land during the pendency of the suit shall also be subject to the result of the suit. The defendant nos.3 to 6 within a period of four weeks from today intimate to the plaintiff nature of third party interest created in the construction and land on the suit property, as also names of the persons together with their addresses in whose favour third party interest have been created. Notice of Motion disposed of.

In view of the fact that the plaintiff is 78 years old, the hearing of Suit no.1038 of 2002 is expedited.